

# DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket N .NFC1P039CIP

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR AN OPTICAL FILTER** the specification of which,

(check one)

1. ☒ is attached hereto.

2. ☐ was filed on \_\_\_\_\_ as  
U.S. Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_

3. ☐ was filed on \_\_\_\_\_ as  
International PCT Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Priority Benefits Claimed?

Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
(Application No.) (Country) (Filing Date)

Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
(Application No.) (Country) (Filing Date)

## Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/303,705 July 5, 2001  
(Application No.) (Filing Date)

\_\_\_\_\_  
(Application No.) (Filing Date)

\_\_\_\_\_  
(Application No.) (Filing Date)

Atty. Dkt. No.: NFC1P039CIP  
(Revised 3/29/99)

**Prior U.S. Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/879,026</u>	<u>June 11, 2001</u>	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

**Power of Attorney**

And I hereby appoint Charles C. Cary, Reg. No. 36, 764 ; Robert H. Kelly, Reg. No. 33,922, all of the law firm of **CARY & KELLY, LLP**, 1875 Charleston Road, Mountain View, California, 94043, and all practitioners who are associated with this firm as my principal attorneys, and Joseph T. FitzGerald, Reg. No. 33,881 of **NEW FOCUS, INC.** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**Direct Correspondence To:**

**CARY & KELLY, LLP**  
1875 Charleston Road  
Mountain View CA, 94043

**Direct Telephone Calls To:**

Charles C. Cary at telephone number (650) 533.4844

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

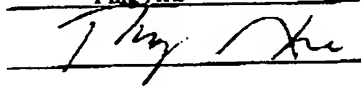
I hereby grant the above appointed attorneys the right to insert the U.S. Patent Application number and filing date where space is provided above at any time subsequent to the date of the inventor's signature below.

Typewritten Full Name of  
Sole or First Inventor:

Ping XIE

Citizenship: US

Inventor's signature:



Date of Signature: 8/31/01

Residence:

(City)

San Jose

(State/Country)

CA/USA

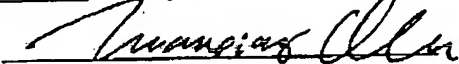
Post Office Address:

1272 Chessington Drive, San Jose CA 95131

## Full Name of Second Joint

Inventor (if any): Simon Yuanxiang WU

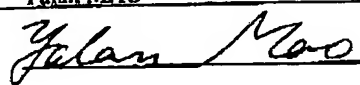
Citizenship:

People's Republic of ChinaInventor's signature: Date of Signature: 08/31/2001Residence: (City) San Jose(State/Country) CA/USAPost Office Address: 2615 Heritage Park Circle, San Jose, CA 95132

## Full Name of Third Joint

Inventor: Yalan MAO

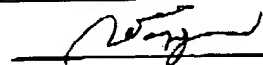
Citizenship:

USInventor's signature: Date of Signature: 08/31/2001Residence: (City) Cupertino(State/Country) CA/USAPost Office Address: 11620 Wildflower Court, Cupertino, CA 95014

## Full Name of Fourth Joint

Inventor: Wei WANG

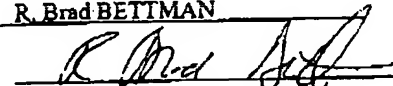
Citizenship:

People's Republic of ChinaInventor's signature: Date of Signature: 08/31/01Residence: (City) San Jose(State/Country) CA/USAPost Office Address: 1291 Starglo Place, San Jose, CA 95131

## Full Name of Fifth Joint

Inventor: R. Brad BETTMAN

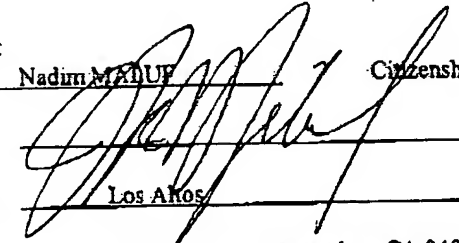
Citizenship:

USInventor's signature: Date of Signature: 8/31/01Residence: (City) Mountain View(State/Country) CA/USAPost Office Address: 415 Bush Street, Mountain View, CA 94041

## Full Name of Sixth Joint

Inventor: Nadim M. KHUF

Citizenship:

USInventor's signature: Date of Signature: 8/31/2001Residence: (City) Los Altos(State/Country) CA/USAPost Office Address: 510 Casita Way, Los Altos, CA 94022

EXPRESS MAILING LABEL NO. EV 319 304 024 US

PATENT APPLICATION  
Docket No: 15436.249.9.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		Art Unit 2874
	Ping Xie et al.	
Serial No.:	09/944,037	
Filing Date:	August 31, 2001	
Confirmation No.:	6184	
For:	METHOD AND APPARTUS FOR AN OPTICAL FILTER	

REVOCATION AND SUBSTITUTE  
POWER OF ATTORNEY AND  
STATEMENT UNDER 37 CFR 3.73(b)

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

I, Frank H. Levinson, state that I am Chairman of the Board of Finisar Corporation and that I am authorized to execute this Revocation and Substitute Power of Attorney on behalf of Finisar Corporation.

I further state that Finisar Corporation is the assignee of the entire interest of the above-identified patent or patent application as shown by the assignment(s) recorded in the U.S. Patent and Trademark Office at the Reel and Frame identified in Exhibit A; The assignee, Finisar Corporation, hereby revokes all previous powers of attorney in the above-identified application, which is included in the schedule of U.S. Patents and Patent Applications of Exhibit B, and now hereby appoints all attorneys under customer number:



**022913**

PATENT TRADEMARK OFFICE

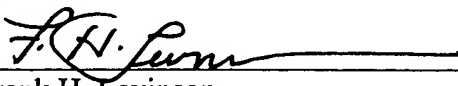
of WORKMAN, NYDEGGER & SEELEY, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, as attorneys with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communication should be directed to:

ERIC L. MASCHOFF  
WORKMAN, NYDEGGER & SEELEY  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111

This Revocation and Substitute Power of Attorney and Statement Under 37 CFR 3.73(b) is effective for all of the U.S. Patents and Patent Applications of Exhibit B, and shall be filed at the U.S. Patent & Trademark Office in all of said U.S. Patents and Patent Applications.

Signed this 28 day of MAY, 2003.

  
\_\_\_\_\_  
Frank H. Levinson  
Finisar Corporation  
1308 Moffet Park Drive  
Sunnyvale, California 94089